

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 8-0443 MMC

Plaintiff,

v.

EARL HARREL SIMS, II,

Defendant.

KAP SUK SIMS,

Petitioner

**ORDER DIRECTING CLERK TO FILE  
“OPPOSITION MOTION FOR  
ANSWERING” UNDER SEAL;  
DIRECTING PETITIONER TO FILE  
PROOF OF SERVICE**

UNITED STATES OF AMERICA,

No. C 08-5023 MMC

Plaintiff,

v.

APPROXIMATELY \$57,378.00 IN UNITED  
STATES CURRENCY,

Defendant.

KAP SUK SIMS,

Claimant.

Before the Court is petitioner and claimant Kap Suk Sims’ (“Sims”) “Opposition Motion for Answering,” filed July 15, 2011 (hereafter, “Opposition”). The Court, having

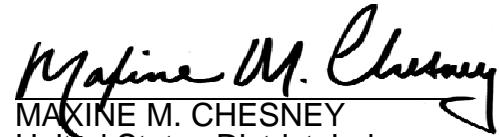
1 reviewed the Opposition, notes the following two procedural issues.

2 First, the Opposition consists almost exclusively of materials containing personal  
3 financial information as to both Sims and third parties, of a type similar to that previously  
4 ordered filed under seal when submitted by the Government. (See Sealing Order, filed  
5 June 21, 2011.) Accordingly, the Court hereby DIRECTS the Clerk to file said Opposition  
6 under seal.

7 Second, because the Opposition was not filed electronically, Sims has violated the  
8 local rules of this district by failing to file a certificate of service demonstrating she served  
9 the Opposition on the Government. See Civil L.R. 5-6 (requiring filing of certificate of  
10 service “[w]henever any pleading or other paper presented for filing is required . . . to be  
11 served”); Civil L.R. 7-3 (providing “opposition to a motion must be served”). Accordingly,  
12 Sims is hereby DIRECTED to serve the Opposition on the Government, and file proof of  
13 such service, no later than July 27, 2011. Sims’s failure to timely file said proof of service  
14 may result in the Court’s striking the Opposition.

15 **IT IS SO ORDERED.**

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17 Dated: July 21, 2011  
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MAXINE M. CHESNEY  
United States District Judge

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